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12 SUPERIOR COURT OF STATE OF ARIZONA
13 COUNTY OF YAVAPAI

14 STATE OF ARIZONA,
15 Plaintiff,
16 vs.
17 JAMES ARTHUR RAY,
18 Defendant.

CASE NO. V1300CR201080049

Hon. Warren Darrow

DIVISION PTB

**DEFENDANT JAMES ARTHUR RAY'S
MOTION TO EXCLUDE AND
OBJECTIONS TO EXHIBITS**

19 Defendant James Arthur Ray, by and through undersigned counsel, hereby moves this
20 Court to exclude from evidence certain exhibits listed by the State in its Amended Exhibit List
21 filed February 18, 2011. This motion is supported by the following Memorandum of Points and
22 Authorities.
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The State's exhibit list, filed with the Court on February 18, 2011 and attached as Exhibit
3 A, includes exhibits that are inadmissible and must be excluded. This memorandum identifies the
4 exhibits to which the Defendant objects and the reasons these exhibits are inadmissible.

5 **1. Exhibit 135: DVD of Aerial Footage of Angel Valley Spiritual Retreat Center**

6 This exhibit is objectionable for three reasons under Rules 401, 402, and 403:

- 7 a. The recording is not solely aerial footage. The exhibit is essentially the
8 video track for an ABC broadcast story with some video footage (repeated
9 several times) and some *still* images presented in a dramatic documentary
10 style. An edited television show is not evidence.
- 11 b. There is an "ABC News" tag that is continuously on the screen. This tag
12 not only is not evidence, but it alters the nature and significance of the
13 exhibit. The official news logo may, for some jurors, tend to lend greater
14 importance to the exhibit. It may also remind jurors of the sensational
15 media coverage in this case, the impact of which this Court has tried
16 carefully to limit.
- 17 c. Even apart from these other flaws, the recording has little probative value.
18 Both sides have listed as exhibits numerous photos of the sweat lodge and
19 grounds. Video images from a helicopter add nothing. Given the
20 substantial prejudicial value of introducing television coverage of the
21 incident, the exhibit should be excluded pursuant to Rule 403.

22 **2. Exhibit 139: Diagram of Sweat Lodge.**

23 This exhibit must be excluded because it is inadmissible hearsay and offers improper lay
24 opinion. In addition, the State cannot lay a valid foundation for the exhibit.

- 25 a. The "diagram" was created by Douglas Sundling, a self-employed private
26 citizen in Indiana who has taken a special interest in Mr. Ray's case. After
27 contacting the Yavapai County Sheriff's Office and the County Attorney to
28 officer his thoughts and criticisms of Mr. Ray, and to request additional

1 records related to the case, Mr. Sundling created a website entitled
2 www.bogus-sweatlodge.com, at which he posted a collection of his
3 thoughts, entitled "Death Accepts An Invitation to a Bogus Sweat Lodge."
4 The posts reveal indisputable bias against Mr. Ray and contain myriad
5 irrelevant diatribes.¹

6 b. *Hearsay.* Mr. Sundling is not a testifying witness in this case. His out-of-
7 court statements attempting to recreate the seating arrangement in the
8 sweat lodge are, unquestionably, inadmissible hearsay. And his report and
9 diagram feature layers of hearsay, for they are based on the out-of-court
10 (and untested) statements of others.

11 c. *Improper lay opinion.* Although the hearsay objection is dispositive, the
12 diagram is inadmissible for the additional reason that it offers inadmissible
13 lay opinion under Rule 702. Mr. Sundling's opinions (often inaccurate) are
14 based solely on hearsay statements and media accounts. He is not an
15 expert in any relevant field. His surmise regarding where individuals may
16 have been sitting would not assist the jury.

17 d. *Lack of foundation.* Furthermore, the State cannot lay a valid foundation
18 for the diagram. Not only is Mr. Sundling not a testifying witness, but the
19 State appears to have altered the original document created by Mr.
20 Sundling to remove some of his comments.

21 **3. JRI Client Files (32 Exhibits)**

22 The thirty-two (32) JRI client files, listed below, contain receipts and enrollment
23 information for *prior* JRI events. These files have no bearing on the sweat lodge ceremony or
24 even the 2009 Spiritual Warrior retreat more broadly. The files are thus inadmissible for two
25 reasons. First, they are inadmissible under the Court's January 13 Under Advisement Ruling on

26 ¹ For example: "Why pay \$10,000 to pursue a five-day seminar for enlightenment, when similar options
27 are much cheaper, if not free? Which is more appealing in pursuit of religion: attending an architectural
28 imposing edifice with a fiscally endowed congregation or attending a humble non-intrusive building
maintained by economically challenged parishioners?"

1 Motion in Limine No. 2 Regarding Financial Condition and Business Practices, and under the
2 Rules of Evidence that support that ruling. Second, nine of the exhibits (noted with asterisks
3 below) are inadmissible under the Court's February 3 Under Advisement Ruling on Motion in
4 Limine No. 1 Regarding 404(b) acts, because the files pertain to participants in *prior* JRI sweat
5 lodge events.

6 a. *Court's Ruling on Motion in Limine No. 2.* In its January 13 Ruling, this
7 Court limited the use of financially-related information at trial. In
8 particular, the Court distinguished between "the cost of the Spiritual
9 Warrior Retreat," which "could assist the jury in understanding the general
10 context of *events in this case*" (emphasis added), and more generalized
11 information regarding JRI's financial condition, sales practices, and refund
12 policy. Order at 5. The latter category of information is inadmissible, for
13 it has no bearing on any elements of the charged crime and also risks
14 substantial prejudice under Rule 403. As this Court noted regarding JRI's
15 alleged sales techniques:

16 "Such evidence would present a high danger of suggesting
17 to the jury that a decision may be made on an improper
18 basis. The jury's attention could be drawn from the actual
19 anticipated issues in this criminal matter, issues involving
20 proof of reckless conduct causing death, to what some
persons might consider distasteful business practices.
Evidence that amounts to personal perceptions and opinions
regarding the Defendant's or JRI's sales practices is not
admissible."

21 Order at 3. The Court's ruling, and the legal reasoning behind it, bar the
22 attempt to introduce the client files into evidence for the jury's review. The cost of
23 *other* JRI seminars simply has no probative value to any fact of consequence in
24 this case, and the information would prejudice Mr. Ray's defense.

25 b. *Court's Ruling on Motion in Limine No. 1.* Nine of the client files the State
26 wishes to introduce pertain to individuals who were not participants in the
27 2009 sweat lodge, but who instead attended JRI events only in prior years.

1 These files are inadmissible under this Court's February 3 ruling barring
2 prior-act evidence pursuant to Rule 404.

3 The exhibits containing client files are as follows:

- 4 1) Exhibit 153 (Linda Andresano)
- 5 2) Exhibit 156 (Jeanne Armstrong),
- 6 3) Exhibit 164 (Scott Barratt),
- 7 4) Exhibit 169 (Kim Brinkley),
- 8 5) Exhibit 172 (Beverly Bunn),
- 9 6) Exhibit 177 (Lou Caci),
- 10 7) Exhibit 180 (Laurie Gennari),
- 11 8) Exhibit 183 (Dawn Gordon),
- 12 9) Exhibit 186 (Danielle Granquist),
- 13 10) Exhibit 188 (Jennifer Haley),
- 14 11) Exhibit 194 (Dennis Mehravar),
- 15 12) Exhibit 197 (Michael Oleson),
- 16 13) Exhibit 198 (Danita Oleson),
- 17 14) Exhibit 205 (Melissa Phillips),
- 18 15) Exhibit 210 (Brandy Rainey),
- 19 16) Exhibit 215 (Stephen Ray),
- 20 17) Exhibit 217 (Mark Rock),
- 21 18) Exhibit 219 (Lisa Rondan),
- 22 19) Exhibit 223 (Sidney Spencer),
- 23 20) Exhibit 226 (Laura Tucker),
- 24 21) *Exhibit 256 (David Duhaime),
- 25 22) *Exhibit 258 (Daniel Pfankuch),
- 26 23) *Exhibit 259 (Mickey Reynolds),
- 27 24) *Exhibit 260 (Nancy Ogilvie),
- 28 25) *Exhibit 261 (Paula Aletto),

- 1 26) *Exhibit 262 (Julia Bunker),
2 27) *Exhibit 264 (Danielle Koprowski),
3 28) *Exhibit 265 (Cynthia Manner),
4 29) *Exhibit 273 (Sheryl Stern),
5 30) *Exhibit 401 (Kirby Brown),
6 31) *Exhibit 406 (Lizbeth Neuman),
7 32) *Exhibit 410 (James Shore)

8 **4. Audio Recordings of 2009 Spiritual Warrior (Exhibits 158–161)**

9 The Defense’s objections to the Spiritual Warrior audio recordings are addressed in a
10 separate motion filed this day. Mr. Ray has requested in chambers consideration of the matter.

11 **5. Exhibit 200: Melissa Phillips’ Handwritten Journal from Spiritual Warrior**

12 Ms. Phillips’ handwritten notes are inadmissible hearsay not subject to any exception.
13 These notes were written on October 12, 2009 as a reflection, looking back on what Ms. Phillips
14 remembered of the weekend’s events. Because the notes were not taken contemporaneously to
15 Spiritual Warrior events described, the hearsay exception set forth in Arizona Rule of Evidence
16 803(3) does not apply.²

17 **6. Exhibits 242–247: Photographs of 2008 Sweat Lodge Structure**

18 Because the sweat lodge structure used at the 2009 ceremony was constructed in 2008,
19 these photographs depicting the construction and structure of the sweat lodge *might* be
20 admissible. Assuming proper foundation is laid, the Defense would not object to their admission,
21 *so long as* the State does not use the photos to introduce any other evidence or testimony related
22 to the 2008 sweat lodge ceremony. Such evidence would violate the Court’s February 3 ruling
23 regarding 404(b) evidence.

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25
26 ² Rule 803(3) provides: “Then existing mental, emotional, or physical condition. A statement of the
27 declarant’s then existing state of mind, emotion, sensation, or physical condition (such as intent, plan,
28 motive, design, mental feeling, pain, and bodily health), but *not including a statement of memory or belief*
to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or
terms of declarant’s will.” (emphasis added).

1 **7. Exhibits 248–252, 266–272: Photos Before and After 2008 Sweat Lodge Ceremony**

2 These photographs, depicting participants before and after the 2008 sweat lodge
3 ceremony, are irrelevant and inadmissible pursuant to the Court’s February 3 ruling.

4 **8. Exhibits 253–255: Daily Schedule for Spiritual Warrior 2009**

5 These documents feature extensive hand-written notes in addition to the typed content
6 pertaining to scheduling. The Defense objects to the Exhibits to the extent the State does not
7 separately authenticate, and explain the relevance of, the handwritten notes.

8 **9. Exhibit 257: Daniel Pfankuch’s Medical Records**

9 Mr. Pfankuch’s medical records are irrelevant and inadmissible pursuant to the Court’s
10 February 3 ruling.

11 **10. Exhibit 263: Julia Bunker’s Notes from Spiritual Warrior 2008**

12 These typed notes—describing the 2008 sweat lodge ceremony, and prepared after the
13 weekend concluded—are inadmissible for two reasons. First, they are irrelevant and inadmissible
14 pursuant to the Court’s February 3 ruling regarding 404(b) evidence. Second, they are
15 inadmissible hearsay not subject to any exception.

16 **11. Exhibits 356–357: Expert Witness Reports by Steven Pace; Exhibit 361: Expert**
17 **Witness Report by Rick Ross; Exhibits 381–383: Expert Witness Reports by**
18 **Matthew Dickson**

19 The Defense renews for the record its objection to the testimony of Mr. Pace and Mr. Ross
20 under Rules 401, 402, and 403. But even if the *testimony* of these witnesses were admissible, the
21 expert witness reports are hearsay not subject to any exception. The law is clear that expert
22 witness reports are not admissible to prove the truth of the matters asserted therein. *See, e.g., In*
23 *re Citric Acid Litigation*, 191 F.3d 1090, 1102 (9th Cir.1999) (“The law is clear, . . . that an expert
24 report cannot be used to prove the existence of facts set forth therein.”).

25 Dr. Dickson’s report involves another layer of inadmissibility. The report contains
26 opinions regarding Mr. Ray’s responsibility and precautions that should have been taken. But Dr.
27 Dickson’s opinion on the ultimate issue of Mr. Ray’s responsibility does no more than tell the
28 jury how to decide the case, and is plainly inadmissible for that reason. *See Ariz. R. Evid. 702;*

1 *State v. Lindsey*, 149 Ariz. 472, 475 (Ariz. 1986) (“[T]he expert’s function is to provide testimony
2 on subjects that are beyond the common sense, experience and education of the average juror. . . .
3 It is not the expert’s function, however, to substitute himself or herself for the jury and advise
4 them with regard to the ultimate disposition of the case. Under our Constitution, not even the
5 judge may do that.”).

6 **12. Exhibits 358–359: Emails from Steven Pace to Bill Hughes**

7 These emails are inadmissible hearsay not subject to any exception, and their relevance is
8 not apparent. *See* Ariz. R. Evid. 803; *id.* 401; *id.* 402.

9 **13. Exhibits 397–398: Reports by Dr. O’Connor**

10 In connection with civil lawsuits filed by Sidney Spencer and Dennis Mehravar against
11 Mr. Ray, Dr. Francis O’Connor prepared reports regarding their medical condition. The State
12 disclosed Dr. O’Connor’s report to the Defense, but has not listed Dr. O’Connor as a testifying
13 witness. In December 2010, the Defense requested disclosure of the materials upon which Dr.
14 O’Connor relied. The State denied Mr. Ray’s discovery requests, explaining:

15 *The State does not intend to use the Independent Medical*
16 *Reports by Dr. Francis O’Connor in its case-in-chief.* The
17 two reports were in the State’s possession and were provided
18 to Dr. Dickson as part of the information submitted to him
19 for his review. Accordingly, the State disclosed the reports
20 to you. The medical records reviewed by Dr. O’Connor and
21 identified in his reports were provided to him by the
22 attorneys in the civil case. The records you requested in
23 your letter were never provided to the State.

24 Letter from Sheila Polk to Truc Do, 1/3/11. It would be unfair for the State to now introduce
25 these reports into evidence.

26 In any event, Dr. O’Connor’s reports are clearly inadmissible for three reasons. First, the
27 reports themselves—Dr. O’Connor’s out of court statements—are hearsay not subject to any
28 exception. These are litigation documents, not business records. Second, the reports contain
rampant hearsay within hearsay; they relay the out-of-court and entirely unverified statements of
others. Third, the reports—written for purposes of civil litigation—contain numerous inadmissible
opinions, both on ultimate issues and on matters (of legal responsibility) beyond Dr. O’Connor’s
expertise.

1 **14. Exhibit 402: Kirby Brown's Date Book**

2 Exhibit 402 is a copy of a calendar and notebook that apparently belonged to Ms. Brown.
3 The entries range from appointment scheduling to professional to-do lists to personal resolutions.
4 The exhibit is inadmissible because it is irrelevant, *see* Ariz. R. Evid. 401, 402; because it is
5 hearsay not subject to any exception, *see id.* 803; and because, as the personal reflections of one
6 of the decedents, the prejudicial effect of the exhibit would far outweigh its probative value, *see*
7 *id.* 403.

8 **15. Exhibits 403 and 411: Letters and Cards to Decedents' Families**

9 The letters and cards of condolence and checks that Mr. Ray sent to the families of the
10 decedents are heavily prejudicial and not at all probative. The State has identified no legitimate
11 purpose for such evidence. The State presumably would attempt to introduce the letters through
12 the family members of the decedents as "background" information, but as this Court recently
13 explained, "irrelevant or unfairly prejudicial evidence does not become admissible solely by
14 being given labels such as background evidence or *res gestae*." Under Advisement Ruling on
15 Motion in Limine to Exclude Victim Impact Testimony, 2/22/11. To the extent the State intends
16 to suggest that the cards and letters were an effort by Mr. Ray to compromise, such suggestion
17 would be both misplaced and restricted by Arizona Rule of Evidence 408.

18 **16. Exhibit 413: Papers from File in James' Ray's Cabin at Angel Valley**

19 This set of papers contains a wide array of JRI seminar materials that bear no connection
20 to the sweat lodge ceremony. All of the papers other than those describing the sweat lodge
21 ceremony are irrelevant and should be excluded.

22 **17. Exhibits 415 and 416: Diagram of Tent and Timeline of Events**

23 The timeline of events is not evidence; it is a demonstrative that the prosecution has
24 created. A prosecution-generated document is not evidence that can go to the jury. Subject to
25 that limitation, the Defense does not object to the timeline as a demonstrative in compliance with
26 applicable rules.

27 Although the State has not yet disclosed Exhibit 415, "Diagram of Tent with Participants'
28 Location," the Defense presumes that this too is a demonstrative created by the prosecution. Such

1 a document, again, cannot go to the jury, but can be used by the State at trial in compliance with
2 other applicable rules.

3
4 DATED: February 24, 2011

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8
9 By: 

10 Attorneys for Defendant James Arthur Ray

11 Copy of the foregoing delivered this 24 day
12 of February, 2011, to:

13 Sheila Polk
14 Yavapai County Attorney
15 Prescott, Arizona 86301

16 by 

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EX. No.	EXHIBIT DESCRIPTION
133.	CD of 911 Call
134.	Certification of Authenticity of 911 Call
135.	DVD of Aerial Footage of Angel Valley Spiritual Retreat Center
136.	October 2009 Calendar
137.	Spiritual Warrior Timeline of Events
138.	Spiritual Warrior Brochure
139.	Diagram of Sweat Lodge
140.	Angel Valley Map of Area
141.	Photo 09SW- Location of Sweat Lodge (HAM 301)
142.	Photo 09 SW – Inside Crystal Hall (HAM 308)
143.	Photo 09-SW – Participants entering Lodge (HAM294)
144.	Photo 09-SW – Participants entering Lodge (HAM 295)
145.	Photo 09 – SW – Outside of SL with Fire (HAM 303)
146.	Photo 09 – SW – Outside of SL Holding Space (HAM 302)
147.	Photo 09- SW – Outside of SL with tarps and towels (HAM 305)
148.	Summary of Sedona weather conditions on October 8, 2009 from Yavapai County Flood Control
149.	Linda Andresano's JRI Waiver of Liability and Publicity Release Forms
150.	Linda Andresano's Angel Valley Waiver/Release of Liability Form
151.	Linda Andresano's Verde Valley Medical Record
152.	Linda Andresano's Verde Valley Ambulance Company Record
153.	Linda Andresano's JRI Client File
154.	Jeanne Armstrong's JRI Waiver of Liability and Publicity Release Forms
155.	Jeanne Armstrong's Angel Valley Waiver/Release of Liability Form
156.	Jeanne Armstrong's JRI Client File
157.	Michael Barber Angel Valley Waiver/Release of Liability Form
158.	Audio recordings of 2009 Spiritual Warrior 10-4 Sunday
159.	Audio recordings of 2009 Spiritual Warrior 10-5 Monday
160.	Audio recordings of 2009 Spiritual Warrior 10-6 Tuesday
161.	Audio recordings of 2009 Spiritual Warrior 10-8 Thursday
162.	Scott Barratt's JRI Waiver of Liability and Publicity Release Forms
163.	Scott Barratt's Angel Valley Waiver/Release of Liability Form
164.	Scott Barratt's JRI Client File
165.	Kim Brinkley's JRI Waiver of Liability and Publicity Release Forms
166.	Kim Brinkley's Angel Valley Waiver/Release of Liability Form
167.	Kim Brinkley's Verde Valley Medical Record
168.	Kim Brinkley's Verde Valley Ambulance Company Record
169.	Kim Brinkley's JRI Client File
170.	Beverly Bunn's JRI Waiver of Liability and Publicity Release Forms
171.	Beverly Bunn's Angel Valley Waiver/Release of Liability Form
172.	Beverly Bunn's JRI Client File
173.	Lou Caci's Waiver of Liability and Publicity Release Forms

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174.	Lou Caci's Angel Valley Waiver/Release of Liability Form
175.	Lou Caci's Verde Valley Medical Record
176.	Lou Caci's Verde Valley Ambulance Company Record
177.	Lou Caci's JRI Client File
178.	Laurie Gennari's JRI Waiver of Liability and Publicity Release Forms
179.	Laurie Gennari's Angel Valley Waiver/Release of Liability Form
180.	Laurie Gennari's JRI Client File
181.	Dawn Gordon's JRI Waiver of Liability and Publicity Release Forms
182.	Dawn Gordon's Angel Valley Waiver/Release of Liability Form
183.	Dawn Gordon's JRI Client File
184.	Danielle Granquist's JRI Waiver of Liability and Publicity Release Forms
185.	Danielle Granquist's Angel Valley Waiver/Release of Liability Form
186.	Danielle Granquist's JRI Client File
187.	Jennifer Haley's Angel Valley Waiver/Release of Liability Form
188.	Jennifer Haley's JRI Client File
189.	Dream Team Expectations for Spiritual Warrior
190.	Dennis Mehravar's JRI Waiver of Liability and Publicity Release Forms
191.	Dennis Mehravar's Angel Valley Waiver/Release of Liability Form
192.	Dennis Mehravar's Verde Valley Medical Record
193.	Dennis Mehravar's Verde Valley Ambulance Company Record
194.	Dennis Mehravar's JRI Client File
195.	Mike Olesen's JRI Waiver of Liability and Publicity Release Forms
196.	Mike Olesen's Angel Valley Waiver/Release of Liability Form
197.	Mike Olesen's JRI Client File
198.	Danita Olesen's JRI Client File
199.	Spiritual Warrior Participant Guide
200.	Melissa Phillips' Handwritten Journal from Spiritual Warrior
201.	Melissa Phillips' JRI Waiver of Liability and Publicity Release Forms
202.	Melissa Phillips' Angel Valley Waiver/Release of Liability Form
203.	Melissa Phillips' Verde Valley Medical Center Records
204.	Melissa Phillips' Verde Valley Fire District Record
205.	Melissa Phillips' JRI Client file
206.	Brandy Rainey Amstel's JRI Waiver of Liability and Publicity Release Forms
207.	Brandy Amstel's Angel Valley Waiver/Release of Liability Form
208.	Brandy Rainey's Verde Valley Medical Center Records
209.	Brandy Rainey's Verde Valley Fire District Record
210.	Brandy Rainey's JRI Client File
211.	Stephen Ray's JRI Waiver of Liability and Publicity Release Forms
212.	Stephen Ray's Angel Valley Waiver/Release of Liability Form
213.	Stephen Ray's Flagstaff Medical Center Medical Record
214.	Stephen Ray's Guardian Air Record
215.	Stephen Ray's JRI Client File
216.	Mark Rock's Angel Valley Waiver/Release of Liability Form

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217.	Mark Rock's JRI Client File
218.	Lisa Rondan's Angel Valley Waiver/Release of Liability Form
219.	Lisa Rondan's JRI Client File
220.	Sidney Spencer's JRI Waiver of Liability and Publicity Release Forms
221.	Sidney Spencer's Angel Valley Waiver/Release of Liability Form
222.	Sidney Spencer's Flagstaff Medical Center Medical Record
223.	Sidney Spencer's JRI Client File
224.	Laura Tucker's JRI Waiver of Liability and Publicity Release Forms
225.	Laura Tucker's Angel Valley Waiver/Release of Liability Form
226.	Laura Tucker's JRI Client File
227.	Nell Wagoner's JRI Waiver of Liability and Publicity Release Forms
228.	Nell Wagoner's Angel Valley Waiver/Release of Liability Form
229.	Photo 09 SW - After SL (HAM 1593.tif)
230.	Photo 09 SW - After SL (HAM 1594.tif)
231.	Photo - dismantling SL (HAM 00325.tif)
232.	Photo - dismantling SL (HAM 1598.tif)
233.	Photo - dismantling SL (HAM 1599.tif)
234.	Photo - dismantling SL (HAM 1600.tif)
235.	Photo - unlit wood stack (HAM 07156.tif)
236.	Photo - burning wood (HAM 1620.tif)
237.	Photo - fire (HAM 1621)
238.	Photo 090525 SL (HAM 1265.tif)
239.	Photo 090525 SL (HAM 1268.tif)
240.	Photo 090525 SL (HAM 1270.tif)
241.	Photo 090525 SL (HAM 1271.tif)
242.	Photo Construction of 08 SL (MER 08 0154.jpg)
243.	Photo Construction of 08 SL (MER 08 0157.jpg)
244.	Photo Construction of 08 SL (MER 08 0187.jpg)
245.	Photo Inside of 08 SL (MER 08 0194.jpg)
246.	Photo Outside of 08 SL (MER 08 0196.jpg)
247.	Photo Outside of 08 SL (MER 08-0197.jpg)
248.	Photo "Saging" of 08 Participants (MER 08 0198.jpg)
249.	Photo "Saging" of 08 Participants (MER 08 0201.jpg)
250.	Photo After 08 SL (MER 08 0203.jpg)
251.	Photo After 08 SL (MER 08 0205.jpg)
252.	Photo After 08 SL (MER 08 0210 .jpg)
253.	Syntax or Daily Schedule for Spiritual Warrior 2009 (9/28/09)
254.	Syntax or Daily Schedule for Spiritual Warrior 2009 (9/25/09)
255.	Syntax or Daily Schedule for Spiritual Warrior 2009 (9/17/09)
256.	David Duhaime's JRI Client File
257.	Daniel Pfankuch's Medical Records
258.	David and Michelle Pfankuch's JRI Client File
259.	Mickey Reynolds' JRI Client File

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260.	Nancy Ogilvie's JRI Client File
261.	Paula Aletto's JRI Client File
262.	Julia Bunker's JRI File
263.	Julia Bunker's notes from Spiritual Warrior 2008
264.	Danielle & John Koprowski's JRI Client File
265.	Cynthia Manner's JRI Client File
266.	Manner Photo 08-SW - Cynthia Manner w/cup 15 minutes after SL CM (CM 08 45.jpg)
267.	Manner Photo 08-SW - 5 minutes after SL (CM 08 47.jpg)
268.	Manner Photo 08-SW - Girl Passed Out (CM 08 58.jpg)
269.	Manner Photo 08-SW - Mary Bryson (CM 08 59.jpg)
270.	Manner Photo 08 SW - Michael Pinching Mary Bryson's Feet (CM 08 63.jpg)
271.	Manner Photo 08-SW - Mary Bryson in background, Cynthia w/cup (CM 08 68.jpg)
272.	Manner Photo 08-SW - Participants eating watermelon (CM 08-75.jpg)
273.	Sheryl Stern's JRI Client File
274.	Photo of scene C-18-001
275.	Photo of scene C-18-002
276.	Photo of scene C-18-003
277.	Photo of scene C-18-004
278.	Photo of scene C-18-005
279.	Photo of scene C-18-009
280.	Photo of scene C-18-010
281.	Photo of scene C-18-011
282.	Photo of scene C-18-012
283.	Photo of scene C-18-013
284.	Photo of scene C-18-014
285.	Photo of scene C-18-015
286.	Photo of scene C-18-016
287.	Photo of scene C-18-017
288.	Photo of scene C-18-018
289.	Photo of Evidence Item 100 - Water sample from cooler by fireplace
290.	Photo of Evidence Item 101 - Water sample from cooler under canopy
291.	Photo of Evidence Item 300 - 2 X 1 foot log from S/E end of Woodpile
292.	Photo of Evidence Item 304 - Gray rock from east end of fire pit (outside)
293.	Photo of Evidence Item 306 - Gray rock from east end of fire pit (outside)
294.	Photo of Evidence Item 313 - Red string with blue material tied to string
295.	Photo of Evidence Item 322 - Liquid sample from orange and white cooler marked "lemon water"
296.	Photo of Evidence Item 323 - Liquid sample from orange and white cooler marked "electrolyte"
297.	Photo of Evidence Item 324 - Liquid from pitcher
298.	Photo of Evidence Item 326 - Spiritual Warrior water bottle w/"Liz" on bottom with liquid
299.	Photo of Evidence Item 332 - Box containing green plant material, sandalwood,

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	frankincense and myrh
300.	Photo of Evidence Item 334 – Multiple colored yarns with small clothes tied on containing unknown substance
301.	Photo of Evidence Item 344 – Gray rock from fire pit inside sweat lodge
302.	Photo of Evidence Item 346 – Gray rock from fire pit inside sweat lodge
303.	Photo of Evidence Item 347 – Gray rock from fire pit inside sweat lodge
304.	Photo of Evidence Item 348 – Gray rock from fire pit inside sweat lodge
305.	Photo of Evidence Item 349 – Gray rock from fire pit inside sweat lodge
306.	Photo of Evidence Item 352 – Soil sample south side inside sweat lodge
307.	Photo of Evidence Item 357 – Cross cut section of all layers of materials from sweat lodge
308.	Photo of Evidence Item 359 – Cross cut section of all layers of materials from sweat lodge
309.	Photo of Evidence Item 363 - North upright pole from inside sweat lodge
310.	Photo of Evidence Item 333 – First Aid Kit
311.	Photo of Evidence Item 75 – Items found in First Aid Kit
312.	Photo of Briefcase D129-0110
313.	Photo of File D129-0111
314.	Photo of File D129-0112
315.	Photo of File D129-0113
316.	Photo of Scene F130-011
317.	Photo of Wood Stack F130-0035
318.	Photo of Outside Canopy F130-0044
319.	Photo of Opening in Tent F130-0072
320.	Photo of T. Wong's Water Bottle F130-0105
321.	Photo of Electrolyte Water F130-0114
322.	Photo of Fruit F130-0119
323.	Photo of First Aid Kit F130-0122
324.	Photo Interior of Tent H119-003
325.	Photo Interior of Tent w/Hanging Strings H119-0010
326.	Photo Interior of Tent H119-0030
327.	Photo Marker 42 & 43 H119-0049
328.	Photo Fire Pit w/ Rocks H119-0050
329.	Photo Close of Pit w/Rocks H119-0052
330.	Photo Interior of Tent H119-0053
331.	Photo Interior of Tent H119-0054
332.	Photo Interior of Tent H119-0055
333.	Photo Interior of Tent H119-0056
334.	Photo Strings on Tent w/marker 35 H119-0063
335.	Photo Samples of Covering of Tent H119-0084
336.	Photo Samples of Covering of Tent H119-0088
337.	Photo Samples of Covering of Tent H119-0084
338.	Photo Samples of Covering of Tent H119-0093
339.	Photo Samples of Covering of Tent H119-0097

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340.	Photo Samples of Covering of Tent H119-0098
341.	Photo Ground inside Tent
342.	Scene Diagram 1 with Evidence Listing and Full Data Point Listing
343.	Scene Diagram 2 with Lodge/Tent/Objects Listing
344.	Scene Diagram 3
345.	DPS Scientific Examination Report, 2/4/10
346.	Criminalist's Notes and Analysis
347.	Photo of Evidence Item #305 One (1) Rock
348.	Photo of Evidence Item #345 One (1) Rock
349.	Photo of Evidence Item #356 Can containing pieces of material (tarp)
350.	Photo of Evidence Item #358 Can containing pieces of material (tarp)
351.	Photo of Evidence Item #500 Can containing wood
352.	Photo of Evidence Item #502 Can containing wood
353.	Photo of Evidence Item #562 Can containing wood
354.	Photo of Evidence Item #564 Can containing wood
355.	Steve Pace's Curriculum Vitae
356.	"Considerations Used to Assess Program Safety"
357.	"The Use of Subjective versus Objective Risk in Adventure Education"
358.	E-Mail from Steve Pace to Bill Hughes, 1/21/11, 8:38 AM
359.	E-Mail from Steve Pace to Bill Hughes, 1/21/11, 10:04 AM
360.	Rick Ross's Curriculum Vitae
361.	Rick Ross's "Expert Witness Report"
362.	Lizbeth Neuman Autopsy Report
363.	Lizbeth Neuman's Autopsy Notes
364.	Lizbeth Neuman's Certified Death Certificate
365.	Lizbeth Neuman's Flagstaff Medical Center Records Volume One
366.	Lizbeth Neuman's Flagstaff Medical Center Records Volume Two
367.	Lizbeth Neuman's Flagstaff Medical Center Records Volume Three
368.	Lizbeth Neuman's Flagstaff Medical Center Records Volume Four
369.	Guardian Air Report
370.	Kirby Brown Autopsy Report
371.	Kirby Brown Autopsy Notes
372.	Kirby Brown's Certified Death Certificate
373.	Kirby Brown's Verde Valley Medical Center Records
374.	Kirby Brown's Verde Valley Fire Record
375.	James Shore Autopsy Report
376.	James Shore Autopsy Notes
377.	James Shore's Certified Death Certificate
378.	James Shore Verde Valley Medical Center Records
379.	James Shore Verde Valley Fire Record
380.	Dr. Dickson's Curriculum Vitae
381.	Dr. Dickson's Report Re: Kirby Brown
382.	Dr. Dickson's Report Re: James Shore

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383.	Dr. Dickson's Report Re: Lizbeth Neuman
384.	Sandra Andretti's Verde Valley Medical Center Record
385.	Sandra Andretti Verde Valley Ambulance Company Record
386.	Kristina Bivins' Verde Valley Medical Center Record
387.	Kristina Bivins Sedona Fire District Record
388.	Robert Grain's Verde Valley Medical Center Record
389.	Robert Grain's Verde Valley Ambulance Company Record
390.	Amy Grimes Verde Valley Medical Center Record
391.	Amy Grimes Verde Valley Ambulance Company Record
392.	Sean Ronan's Verde Valley Medical Center Record
393.	Sean Ronan's Verde Valley Ambulance Company Record
394.	Linnette Veguilla's Medical Records
395.	Linette Veguilla's Verde Valley Fire District Record
396.	Tess Wong's Flagstaff Medical Center Record
397.	Dr. O'Connor's report on Dennis Mehavrer
398.	Dr. O'Connor's report on Sidney Spencer
399.	Kirby Brown's JRI Waiver of Liability and Publicity Release Forms
400.	Kirby Brown's Angel Valley Waiver/Release of Liability Form
401.	Kirby Brown's JRI Client file
402.	Kirby Brown's 2009 Date Book
403.	Letter and card from James Ray to Virginia and George Brown w/Check No. 1551, dated 10/15/09 in the amount of \$5,000
404.	Photograph of Kirby Brown?
405.	Lizbeth Neuman's Angel Valley Waiver/Release of Liability
406.	Lizbeth Neuman's JRI Client File
407.	Photograph of Lizbeth Neuman
408.	James Shore JRI Waiver of Liability and Publicity Release Forms
409.	James Shore's Angel Valley Waiver/Release of Liability Form
410.	James Shore's JRI Client File
411.	Cards from James Ray to Alyssa Gillespie and Jane Shore-Gripp w/Check Nos. 1548, 1549, 1550 in the amount of \$2,500
412.	Photograph of James Shore (Need to select photo)
413.	Papers from file in James Ray's Cabin at Angel Valley
414.	Diagram of Tent - Blank
415.	Diagram of Tent with Participants' location
416.	Timeline of Events on October 8, 2009